

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

E.J. BRENEMAN, LP	:	CIVIL ACTION
	:	
v.	:	No. 10-6922
	:	
ROAD SCIENCE LLC	:	

ORDER

AND NOW, this 9th day of February, 2012, it is ORDERED:

- Defendant Road Science, LLC's Second 12(b)(1) Motion to Dismiss Counts I and II of Plaintiff E.J. Breneman, LP's Amended Complaint (Document 29) is GRANTED;
- Defendant's Motion to Stay Claim Construction Proceedings (Document 31) is DENIED as moot;¹ and
- Defendant's Motion for Leave to File a Reply In Support of its Motion to Stay Claim Construction Proceedings (Document 35) is DENIED as moot.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.

¹ In light of the dismissal of Counts I and II of the Amended Complaint, it is this Court's understanding that a claim construction hearing is no longer necessary as the only claim that remains against Road Science is one for damages for unfair competition under the Lanham Act. Accordingly, the motion to stay is moot, and the claim construction hearing scheduled for February 13, 2012, is canceled.